

BELDOCK LEVINE & HOFFMAN LLP
99 PARK AVENUE, PH/26TH FLOOR
NEW YORK, N.Y. 10016

JONATHAN MOORE
DAVID B. RANKIN
LUNA DROUBI
MARC A. CANNAN
CYNTHIA ROLLINGS
JONATHAN K. POLLACK
HENRY A. DLUGACZ
STEPHEN J. BLUMERT
MYRON BELDOCK (1929-2016)
LAWRENCE S. LEVINE (1934-2004)
ELLIOT L. HOFFMAN (1929-2016)

TEL: (212) 490-0400
FAX: (212) 277-5880
WEBSITE: blhny.com

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COUNSEL
BRUCE E. TRAUNER
PETER S. MATORIN
KAREN L. DIPPOLD
MARJORY D. FIELDS
EMILY JANE GOODMAN
(JUSTICE, NYS SUPREME COURT, RET.)
FRANK HANDELMAN

REF: 8215.01

WRITER'S DIRECT DIAL:
212-277-5825
drankin@blhny.com

The Honorable Anne M. Nardacci
U.S. District Court Judge
Northern District of New York
445 Broadway
Albany, New York 12207

Re: *Cooper v. Clancy et al.* 19-CV-362 (AMN)(ML)

You Honor:

My office represents Plaintiff Tracy Cooper in the above-referenced matter. Plaintiff respectfully requests the court issue a Writ of Habeas Corpus Ad Testificandum to produce the incarcerated inmate witness, Gabriel Perez, DIN 14A1689, he is currently housed at the New York State Collins Correctional Facility. We write pursuant to Your Honor's Trial Order of July 21, 2023.

Mr. Perez was deposed in this matter on October 20, 2021. He testified he saw Mr. Cooper being escorted back to the dorm and the officers calling Mr. Cooper names. Mr. Perez also heard the beating, batons hitting the floor, and witnessed Mr. Cooper being dragged down the steps of B-Block. Mr. Perez was on the phone or near the phones when he witnessed the forgoing.

A proposed Writ is attached as Exhibit 1. As for the form of the proposed Writ, the undersigned has been in discussions with Bethaney Galusha of the U.S. Marshal's service, and should Your Honor be disposed to sign a Writ, we can get a form to you that will be best suited for the situation. Namely what facility Mr. Perez should be housed in should he testify.

Respectfully submitted,



David B. Rankin